

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**VIVIAN HANDY,**

**Plaintiff,**

**v.**

**ALABAMA DEPARTMENT OF  
REHABILITATION SERVICES, et al.**

**Defendant.**

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**Civil Action No.: 07-CV-376-MHT**

**CONSENT MOTION FOR EXTENSION OF DEADLINES FOR MOTION FOR CLASS  
CERTIFICATION AND TO AMEND PLEADINGS AND ADD PARTIES**

COMES NOW the plaintiff, Vivian Handy, and moves this Honorable Court to extend the deadline to file a motion for class certification and the deadlines to amend pleadings and add parties.

In support of this motion, the parties state as follows:

1. The Court's Uniform Scheduling Order dated June 5, 2007, set the deadline to file any motion for class certification for August 29, 2007 and the deadline to amend pleadings and add parties for August 29, 2007.

2. This cause was originally filed as a complaint in intervention in *Crum v. State of Alabama*, CV 94-T-356 in 1995 and contained class allegations. A motion for class certification is pending in that lawsuit.

3. The Court recently converted the complaint in intervention into a separate lawsuit.

4. Counsel for the parties have reached an agreement as to this and the other "spin-off" cases which they believe will provide for a more orderly process and potentially avoid unnecessary pleadings. The parties have agreed that the motion to amend pleadings deadline, if any, and the motion for class certification motions, if any, should be made concurrent with the deadline to file

plaintiffs' expert report. In the instant case, plaintiffs' report is due on November 16, 2007 and the discovery cut-off is May 23, 2008.

5. Counsel for the defendants do not oppose and support this motion.

Wherefore, premises considered, plaintiff respectfully requests that the above deadlines in this case be moved to November 16, 2007.

Respectfully submitted,

s/ Russell W. Adams  
Rocco Calamusa, Jr.  
Russell W. Adams  
Attorneys for the Plaintiff

OF COUNSEL:

WIGGINS, CHILDS, QUINN & PANTAZIS, L.L.C.  
The Kress Building  
301 19th Street North  
Birmingham, Alabama 35203  
(205) 314-0500

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 24<sup>th</sup> day of August, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Alice Ann Byrne  
State Personnel Department  
64 North Union Street  
316 Folsom Administrative Bldg.  
Montgomery, AL 36130

Stephen K. Simpson  
Department of Rehabilitation Services  
Legal Office  
2129 East South Boulevard  
Montgomery, AL 36116

s/ Russell W. Adams  
OF COUNSEL